

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOVELL CARTER,

Petitioner,

v.

WARDEN, FCI,

Respondents.

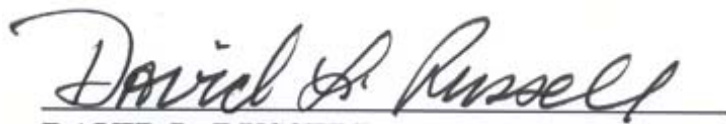
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Case No. CIV-09-226-R

ORDER

Petitioner filed a single page document that was construed as a motion for relief under 42 U.S.C. § 2241. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Bana Roberts for preliminary review. On November 16, 2009, Judge Roberts issued a Report and Recommendation, wherein she recommended that the motion to dismiss filed by Respondent be denied, and that further this action be dismissed without prejudice unless Petitioner files an amended petition within twenty days of entry of an order adopting the Report and Recommendation. The record reflects that no party has objected to the Report and Recommendation within the time limits prescribed therein. Accordingly, the Respondent's motion to dismiss is hereby DENIED, the Report and Recommendation is ADOPTED IN ITS ENTIRETY, and unless Petitioner files an amended petition within twenty days of entry of this Order, this case will be dismissed without prejudice.

IT IS SO ORDERED this 11th day of December 2009.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE